

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
Harrisonburg Division

JOHN DOE,)
Plaintiff,) Civil Action No. 5:21cv00073
)
v.) ORDER
)
SHENANDOAH UNIVERSITY,) By: Joel C. Hoppe
Defendant.) United States Magistrate Judge

This matter is before the Court on the objection of a non-party student (“Student A”) to the disclosure of her educational records. ECF No. 52. On September 20, 2023, the Court held a hearing on Student A’s objection. The parties appeared by counsel, and the non-party student appeared.

On June 26, 2023, the Court entered an order establishing a protocol governing the production of educational records as defined by the Federal Educational Rights and Privacy Act (“FERPA”). ECF Nos. 49, 49-1. Pursuant to this protocol, the Defendants notified around a dozen non-party students that their educational records may be produced in this action in response to discovery requests and notified them of their right to object to such production. One non-party student, Student A, filed an objection. ECF No. 52. The Court scheduled a hearing on the objection and notified the objecting non-party student of her right to attend the hearing and present her position regarding the requested disclosure of her educational records. The parties and Student A presented their positions at the hearing, and the Court has considered them.

Finding that the requirements of FERPA have been met, and for the reasons stated during the hearings, the Court ORDERS as follows:

1. The Defendant shall disclose the educational records of any non-party student to whom notice of the disclosure of his or her educational records was provided, but no objection was

filed. Such disclosures shall be made pursuant to the terms of the Stipulated Protective Order, ECF No. 36.

2. Student A's objection is overruled. The Defendant shall disclose Student A's educational records under the terms of the Stipulated Protective Order, ECF No. 36.

The Clerk shall send a copy of this Order to counsel of record as well as the non-party student, Student A.

ENTERED: September 20, 2023



Joel C. Hoppe
United States Magistrate Judge